



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

NOV 17 2004

Mr. Jeff R. Bowman
The Texas A&M University System
Texas Engineering Extension Service
Public Sector Training Division
Environmental and Public Works Training Service
301 Tarrow St
College Station, TX 77840-7896

Ref. No. 04-0001

Dear Mr. Bowman:

This responds to your letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transportation of carbon dioxide, solid (dry ice) by vessel. Specifically, you ask if there are any exceptions specified under the HMR for vessel shipments of food and beverages that require the use of dry ice as a refrigerant, that are transported to off-shore oil exploration and drilling platforms. Please accept my apology for our delay in responding to your letter and any inconvenience this may have caused.

The answer is no. Based on the scenario described, dry ice used as a refrigerant in food and beverage cargo is fully subject to the HMR when transported by vessel.

I hope this information is helpful. Please contact us if you require additional assistance.

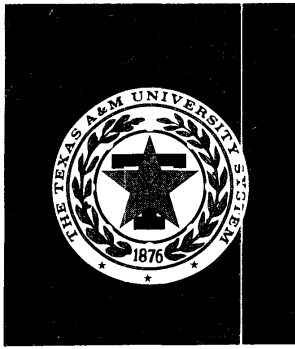
Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



040001

173.217
175.10



The Texas A&M University System

Texas Engineering Extension Service

Engineering, Utilities and Public Works Training Institute

December 19, 2003

US Department of Transportation
Office of Hazardous Materials Standards
400 Seventh Street S.W.
Washington D.C. 20590

Attn: Susan Gorsky

Dear Ms. Gorsky:

The shipment of food and beverage to off-shore oil exploration and drilling platforms requires the use of dry ice as a refrigerant. Shipments are made on "for hire" vessels that may, or may not be leased by the company. According to the hazardous materials table, 172.101, dry ice is a hazardous material if shipped by water. There are two exceptions that we have found (see below) that deals specifically with dry ice, however, neither addresses the use of dry ice being used as a refrigerant for food shipped by water. Does DOT provide an exemption for this activity similar to that of 49 CFR 175.10(a)(13)(ii)?

§173.217 Carbon dioxide, solid (dry ice).

(e) Carbon dioxide, solid (dry ice) is excepted from the shipping paper and certification requirements of this subchapter.....and the package is marked "Carbon dioxide, solid" or "Dry ice" and marked with an indication that the material being refrigerated is used for diagnostic or treatment purposes (e.g., frozen medical specimens).

§175.10

(a) This subchapter does not apply to:

(13) Carbon dioxide, solid (dry ice) when:

(ii) Intended for use in food and beverage service aboard aircraft;

Thank you for your assistance on this matter.

Sincerely,

Jeff R. Bowman
Environmental Training Program

Stevens

§173.217

§175.10

Exceptions

04-0001